IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.W.P.NO.328 OF 2006

Sayyed Ahmed Sagir Ansari ..Petitioner

Vs.

The State of Maharashtra
and Ors. ..Respondents

....

Mr.Aslam Shaikh with Sameed Shaikh Advocate for Petitioner
Mrs.A.S.Pai, A.P.P. for State

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CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.

DATE : APRIL 20,2006

ORDER ORDER : (PER SMT. V.K.TAHILRAMANI,J):

1. Heard learned advocate for the petitioner and learned A.P.P. for the State. Rule. By consent, rule is heard forthwith.

2. The petitioner had preferred application for furlough. The said application for furlough came to be rejected on the ground that there was threat to the life of witnesses if the petitioner is released on furlough.

3. The learned advocate for the petitioner has stated that there is no reliable material to show that the petitioner had himself threatened the witnesses.

4. It is seen that witnesses are residing within the jurisdiction of Bhiwandi Police Station. The learned advocate for the petitioner has submitted that during the period that the petitioner is on furlough, he will reside at Kasar Vadavli, Ghodbunder Road, District Thane and he will not enter the jurisdiction of Bhiwandi Police Station. The said address has been verified by the police so also the documents of the surety have been verified. It is found that the surety is working as a driver in Thane Municipal Corporation. His ration card and other documents have also been verified by the police authorities. It is stated on behalf of the petitioner that the petitioner will be residing at the above mentioned address provided by the surety. Looking to the facts of this case, we are of the opinion that surety will be able to keep sufficient check on the activities of the petitioner. Hence, we are inclined to grant furlough.

5. The petitioner be released on furlough in accordance with the usual terms and conditions. In addition thereto, the petitioner shall reside at the address given by the surety above and he will report to the nearest police station to that address on every alternate day during the period that he is on furlough. The petitioner shall not enter into the jurisdiction of Bhiwandi Police Station during the period that he is on furlough.

6. Rule made absolute in the above terms. Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]